



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, Jr., Speaker of the House

Vol. 25

April 15, 2008

No. 14

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HOUSE WEEK IN REVIEW

The House of Representatives adopted the conference committee report on **H.3496**, a bill **REVISING DRIVING UNDER THE INFLUENCE LAWS**. The Senate also adopted the conference committee report and enrolled the bill for ratification.

Penalties

The legislation enhances penalties for the offenses of driving under the influence (DUI) and driving with an unlawful alcohol concentration (DWUAC). Under the legislation, for DUI or DWUAC when a person's blood alcohol concentration is 0.08%-0.09%: a first offense is subject to a fine of \$400 or imprisonment for 48 hours-30 days; a second offense is subject to a fine of \$2,100-\$5,100 and imprisonment for 5 days-1 year; a third offense is subject to a fine of \$3,800-\$6,300 and imprisonment for 60 days-3 years; and, a fourth or subsequent offense is subject to imprisonment for 1-5 years. For DWUAC when the blood alcohol concentration is 0.10%-0.15%: a first offense is subject to a fine of \$500 or imprisonment for 72 hours-30 days; a second offense is subject to a fine of \$2,500-\$5,500 and imprisonment for 30 days-2 years; a third offense is subject to a fine of \$5,000-\$7,500 and imprisonment for 90 days-4 years; and, a fourth or subsequent offense is subject to imprisonment for 2-6 years. For DWUAC when the blood alcohol concentration is 0.16% or greater: a first offense is subject to a fine of \$1,000 or imprisonment for 30-90 days; a second offense is subject to a fine of \$3,500-\$6,500 and imprisonment for 90 days-3 years; a third offense is subject to a fine of \$7,500-\$10,000 and imprisonment for 6 months-5 years; and, a fourth or subsequent offense is subject to imprisonment for 3-7 years.

The legislation establishes provisions under which individuals convicted of DUI or DWUAC offenses are required to complete successfully a drug and alcohol treatment plan.

If convicted of DUI or DWUAC, an individual must pay \$25 to cover the cost of the blood alcohol concentration (BAC) test.

DWUAC is added to the list of offenses that are not eligible for pre-trial intervention (PTI).

DWUAC is added to the list of offenses eligible for charging a person with child endangerment.

Driver's License Provisions

Under the legislation, the Department of Motor Vehicles must suspend the driver's license of a person who is convicted of a felony DUI for the period of incarceration plus 3 years when great bodily injury occurs and 5 years when a death occurs.

If a person under the age of 21 refuses to submit to a BAC test, the Department of Motor Vehicles (DMV) must suspend the person's license or permit, or deny the issuance of a license or permit for a period of 6 months for a 1st offense, and 1 year for any subsequent offense.

If a person under the age of 21 submits to a BAC test and the result indicates a BAC of 0.02% or more, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit to the person for a period of 3 months for a 1st offense, and 6 months for any subsequent offense.

If a person 21 or older refuses to submit to a BAC test, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit to the person for a period of 6 months for a 1st offense, 9 months for a 2nd offense, 12 months for a 3rd offense, and 15 months for a 4th or subsequent offense.

If a person 21 or older submits to a BAC test and the result indicates a BAC of 0.15% or more, the DMV must suspend the person's license or permit, or deny the issuance of a license or permit to the person for a period of 1 month for a 1st offense, 2 months for a 2nd offense, 3 months for a 3rd offense, and 4 months for a 4th or subsequent offense.

Law Enforcement Provisions

The legislation provides that a law enforcement officer is only required to advise a person being investigated for DUI or DWUAC of the person's Miranda rights at the time of arrest.

Under the legislation, the refusal to take a field sobriety test by a person being investigated for DUI or DWUAC does not constitute disobeying a law enforcement command.

The legislation provides that a blood alcohol concentration (BAC) test may not be administered on a person being investigated for driving under the influence (DUI) or driving with an unlawful alcohol concentration (DWUAC) unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy and verbally informed of the person's rights regarding the BAC test.

The House amended, approved, and sent to the Senate **H.4549**, a bill providing for **MOTOR VEHICLE SALES TAX REVENUES DEVOTED TO HIGHWAYS, ROADS, AND BRIDGES**. This bill provides for a phased-in transfer of motor vehicle sales, use, and casual excise tax revenues to the State Non-Federal Highway Fund to be used exclusively for highway, road, and bridge maintenance and to the State Highway Account of the Transportation Infrastructure Bank. The legislation establishes the timeline for the transfer and provides for how the transferred funds are to be divided between the State Non-Federal Highway Fund and the State Highway Account of the Transportation Infrastructure Bank. The legislation provides for a portion of the funds allocated to the State Non-Federal Aid Highway Fund to be credited and apportioned as 'C' funds that must be expended solely for rural road maintenance and construction. The legislation establishes a "hold harmless" provision for the Education Improvement Act (EIA) Fund under which income tax revenues are, in each fiscal year, transferred from the state's general fund to the Education Improvement Fund in an amount sufficient to offset sales tax revenues that are redirected under this legislation. The legislation also provides the Department of Transportation with authority regarding certain toll projects.

The House sustained the Governor's veto of H.3632, a bill providing that the Department of Labor, Licensing and Regulation may require a **CRIMINAL HISTORY BACKGROUND CHECK OF AN APPLICANT FOR LICENSURE TO PRACTICE NURSING**. The legislation provides that the department may also require such a background check in connection with an investigation or disciplinary proceeding of a licensee. The legislation also provides that a licensed nurse must clearly identify himself or herself as officially licensed by the board. A licensed nurse is required to wear a clearly legible identification badge or other adornment at least one inch by three inches in size bearing the nurse's name and title as officially licensed.

The House approved S.14 and enrolled the bill for ratification. The legislation provides that **MINOR CHILDREN OF A QUALIFIED ELECTOR MAY ACCOMPANY THE QUALIFIED ELECTOR IN THE VOTING BOOTH** while he is casting his ballot. The qualified elector shall attest that the persons accompanying him are the minor children of the elector.

The House approved S.368, relating to the **FLEET MANAGEMENT PROGRAM**, and enrolled the bill for ratification. This bill adds that the Fleet Management Program shall seek to improve environmental quality in this state by decreasing the discharge of pollutants. In addition the bill outlines that a preference in purchasing state motor vehicles must be given to hybrid, plug-in hybrid, bio-diesel, hydrogen, fuel cell, or flex-fuel vehicles when the performance, quality and anticipated life-cycle costs are comparable to other available motor vehicles.

The House amended, approved, and sent to the Senate H.4725, a bill revising **BALLOT STANDARDS AND SPECIFICATIONS**. This bill provides that the name of each candidate shall appear no more than once on the ballot. If a candidate has been nominated by multiple parties or petitions, the bill further provides that the name of each party or petition nominating the candidate must be listed under the candidate's name. The legislation also provides that if a nonpartisan school election is held on the same day as another election, the entity charged by law with conducting the elections shall prepare one ballot for all elections conducted on that day.

The House amended, approved, and sent to the Senate H.4745, a bill enacting the **"SOUTH CAROLINA RESIDENTIAL IMPROVEMENT DISTRICT ACT"**, to provide a new option for financing infrastructure and other improvements necessitated by new residential developments. In instances where a new residential development is proposed, the legislation provides a mechanism for local governments to accept a plan from the owners of the tracts of undeveloped land regarding what sorts of infrastructure and other improvements would be required to accommodate the new growth and additional demands of the proposed residential development. When an improvement plan has been adopted, the legislation authorizes the governing body of a county or municipality to create an improvement district and impose upon the landowners in that district an assessment to fund improvements such as roads, sidewalks, parks, recreational facilities, storm water drainage projects, utilities, and school facilities. A county or municipality is authorized to issue revenue bonds against the revenue from the new assessments. The owner/developer of the real property in a residential improvement district must disclose to a prospective purchaser of residential real property in the improvement district that the property will be subject to an assessment under this legislation and the annual amount and duration of the assessments. If a proposed improvement pertains to a school, such as new construction or additions to existing

construction, then the improvement must be approved by the local school board before the creation of the district.

The House did not concur in Senate amendments to **S.144**, a joint resolution to create a **SENTENCING GUIDELINES COMMISSION** to review, study, and recommend legislation for sentencing guidelines, the parole system, and alternative sentencing procedures for non-violent offenders.

The House returned **S.1066** to the Senate with amendments. This joint resolution authorizes the **RELOCATION OF THE COLUMBIA STATE FARMERS' MARKET** from its current location on Bluff Road in Richland County to a new location selected by the Commissioner of Agriculture in Lexington County. The legislation re-authorizes certain expenditures for relocation and authorizes the Commissioner of Agriculture to terminate the pending project that relocates the market to the Walker Tract in Richland County, to resolve any related disputes, negotiate and enter any agreements incidental to the relocation project, and to engage any needed professional services. Should the commissioner terminate plans to locate the pending project at the Richland County site, as part of the commissioner's efforts to resolve and negotiate any disputes, the commissioner is directed to transfer and convey the portion of the Walker Tract conveyed to the State by Richland County back to Richland County. If Richland County were subsequently to transfer any of the property within a certain period of time, the legislation establishes conditions under which the county is to provide specified payment to the State for improvements it has made to the property. The legislation provides that certain funds remaining after the relocation are authorized to be used to implement a statewide farmers' market system.

The House amended, approved, and sent to the Senate **H.4648**, the "**ELIMINATION OF RACIAL AND ETHNIC DISPARITIES ACT**". Subject to funds being appropriated for the program, this bill directs the South Carolina Department of Health and Environmental Control (DHEC) to establish a grant program to foster coordinated, collaborative, broad-based participation by State and local governments, faith-based organizations, private-sector health care providers, voluntary health care resources, social service providers, and nontraditional partners. DHEC is to develop measurable outcomes to reduce health disparities for a set of specific diseases and conditions. The grant program is meant to supplement existing programs for reducing racial and ethnic health disparities. The bill also outlines the grant program criteria and guidelines. Grant awards are to be made no later than February 1, 2009 and are to be funded one year and may be renewed.

The House approved and sent to the Senate **H.4687** relating to **SCHEDULE I DRUGS**. This bill adds *Salvia divinorum* and *Salvinorin A* to Schedule I on the list of controlled substances. Controlled substances are classified into five groups or "schedules" based on whether they have an accepted medical use; their relative potential for abuse; and the degrees of dependence that may be caused by abuse of the drug. Schedule I means a) the drug or other substance has a high potential for abuse; b) the drug or other substances has no currently accepted medical use in treatment in the United States and/or c) there is a lack of accepted safety for use of the drug or other substance under medical supervision.

The House returned **S.799**, a bill relating to **AURICULAR DETOXIFICATION THERAPY**, to the Senate with amendments. Auricular therapy is a non-invasive naturopathic treatment to the external surface of the ear (or auricle). This method

incorporates principles used in acupuncture, acupressure and reflexology. This bill allows auricular detoxification therapy to be done under general supervision. This bill provides that anyone who has practiced auricular therapy since 1997 must be issued a license and renewal license without meeting the other licensure requirements. This bill also allows for a five-member Acupuncture Advisory Committee with a quorum of three members.

The House approved and sent to the Senate **H.4845**. This bill adds a physician representative from the South Carolina Orthopedic Association and a physician representative from the South Carolina Chapter of the American Academy of Pediatrics to the **TRAUMA ADVISORY COUNCIL**.

The House amended, approved, and sent to the Senate **H.4713** regarding **STATE VETERANS' CEMETERIES**. This bill reduces the minimum residency option for honorably discharged veteran and his or her eligible family member for burial in a state veterans' cemetery from 20 years to 5 years. This bill also clarifies that the veteran's eligible family member may be interred in the veterans' cemetery if he or she predeceases the veteran.

The House approved and sent to the Senate **H.4746**, relating to **MANUFACTURED HOUSING** industry provisions. This bill provides that one member of the South Carolina Manufactured Housing Board must be a representative of the manufactured housing industry from a list of candidates submitted to the Governor by the Manufactured Housing Institute of South Carolina. The legislation revises provisions for the licensure and regulation of the manufactured housing industry, so as to provide a definition for a manufactured home apprentice retail salesperson and establish requirements for an apprentice salesperson license.

The House approved and sent to the Senate **H.4067**. Upon certain conditions, this bill exempts a deed transferring real property from a trust to a trust distributee upon the death of the settler from having to pay a **DEED RECORDING FEE**.

The House recommitted **H.4673**, a bill providing for a **MANDATORY TWO PERCENT ANNUAL COST OF LIVING ADJUSTMENT FOR STATE RETIREES** to the Ways and Means Committee. This bill revises state retirement systems provisions to provide for the awarding of a mandatory annual two percent cost of living increase among all members of the State's pension plans with the exception of the Judges and Solicitors retirement system.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, April 8, 2008.

H.3590, the “**SOUTH CAROLINA RESTRUCTURING ACT**,” received a favorable with amendment recommendation from the full committee. This bill establishes the Department of Administration under the executive branch of state government. The Department of Administration is headed by a director appointed by the governor with the advice and consent of the General Assembly.

The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs, except for the State Ombudsman and Children's Services programs which are contained within this office;
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Continuum of Care;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Small and Minority Business;
- Procurement Services Division of the State Budget and Control Board;
- State Energy Office; and
- Division of State Chief Information Officer of the State Budget and Control Board.

The Budget and Control Board remains responsible for the operations and management of the State House, Blatt Office Building, Gressette Office Building, Supreme Court Building, Calhoun Office Building, and Capitol Complex grounds. Also whenever the Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, the board is authorized to expend revenues generated by the programs to support the board's responsibilities related to the programs.

The bill also provides for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they

should be continued, curtailed, or eliminated, each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation outlines which agencies fall under the jurisdiction of each standing committee.

Each committee must conduct oversight studies and investigations at least once every four years on all agencies within the committee's jurisdiction. Also a standing committee may by majority vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee.

The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action.

The legislation includes a large section for conforming and miscellaneous amendments.

During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements. The legislation includes a sunset provision; however, the provisions relating to Legislative Oversight of Executive Departments is not subject to an expiration date.

H.4538 received a favorable with amendment recommendation from the full committee. *(Note the provisions of this bill are included in **H.3590**, the "South Carolina Restructuring Act.")* This legislation also provides for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation outlines which agencies fall under the jurisdiction of each standing committee.

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[H.3740](#), relating to **CORONERS**, received a favorable with amendment recommendation. This bill revises the manner in which vacancy in the office of the coroner is filled. If a vacancy occurs in the office of coroner in any county of this State one year or less before the next general election for coroners, the Governor may appoint a suitable person who must be an elector of the county, and who, upon qualifying, is entitled to hold the office until his successor is elected and qualifies. The appointed coroner is subject to all the duties and liabilities incident to the office during the term of his service. If a vacancy occurs in the office of county coroner more than one year before the next general election for coroners, the Governor shall appoint a suitable person until a special election is held to elect a coroner to serve for the remainder of the unexpired term. If a county coroner is suspended by the Governor upon the coroner's indictment or for other reasons, the chief magistrate of that county shall act as coroner until the suspended coroner is reinstated or until a coroner is elected and qualifies in the next general election for coroners, whichever occurs first. The chief deputy or second in command of the coroner's office shall act as coroner until the vacancy is filled, except when a suspension occurs. While acting as coroner, the chief deputy or second in command is subject to the duties and liabilities incident to the office of coroner and shall receive the same salary as the former coroner at the time of the vacancy or suspension. The bill also authorizes coroners to appoint investigators as well as deputies.

[H.4552](#), pertaining to **UTILITY POLICE OFFICERS**, received a favorable with amendment report. Currently, there are provisions in the law for the governor to appoint constables and special officers. This bill defines terms and outlines procedures for the appointment of utility police officers. The utility police officers may only take action in situations that pose an adverse effect on the utility, its infrastructure, or its employees and shall notify local or county law enforcement officials of their presence within the jurisdiction prior to taking law enforcement action except in the presence of an imminent threat, danger, or other emergency situation. In this case, notification must be made as soon as practical after the situation is rendered safe. The director of utility police shall appoint and designate persons for the position of utility police officer, unless after a due investigation, it appears these persons are not qualified to serve as a law enforcement officer of the State. Qualified persons must attend, be trained, and certified at the South Carolina Criminal Justice Academy or successor agency at the sole expense of the utility. The utility must reimburse the academy for all expenses associated with the training. The appointment granted may be for a limited or general certification as the director of utility police requests and deems appropriate and is effective upon the completion of training and certification.

The Judiciary Committee gave a favorable with amendment recommendation to [H.4930](#), relating to the **UNLAWFUL PURCHASE OF COPPER**. Among other things, this bill provides that the purchaser of certain metals from a person who is not an authorized retailer or wholesaler must maintain a record which includes the seller's identification number and the source of identification, the license plate number of the seller's vehicle if present, the seller's photograph, and a signed statement from the seller stating that he is the rightful owner or is entitled to sell the property being sold. Further, the record must be maintained for three years. Additionally, this bill provides that the purchaser of certain metals from a person who is not an authorized retailer or wholesaler must pay by mailing a check or money order to the seller's address as listed on the seller's identification. Cash purchases may only be made from an establishment that is licensed to do business by the State or a local governing body. Exceptions are provided for manufacturing, industrial, or other commercial vendors that generate or sell regulated metal property in the ordinary course of business. This legislation specifically preempts local legislation on the issue. This bill also revises certain criminal penalties.

[S.1039](#), pertaining to **PROHIBITIONS ON THE REGULATION OF FIREARMS**, received a favorable recommendation from the committee. This bill provides that counties and municipalities may not enact regulations to prohibit a landowner from discharging a firearm on his property to protect family members, employees, or the general public from animals posing a direct threat or danger on a parcel of land comprised of at least 25 contiguous acres. Any ordinance regulating the discharge of firearms that does not specifically provide for an exclusion pursuant to this item is unenforceable as it pertains to an incident described in this item; otherwise, the ordinance is enforceable.

[H.3359](#) received a favorable with amendment report. This bill provides that a **MARRIAGE THAT IS DECLARED VOID AB INITIO BY REASON OF FRAUD** does not relieve the party committing the fraud of the duty to provide spousal support.

[S.71](#), relating to **AUTOMATED EXTERNAL DEFIBRILLATORS**, received a favorable with amendment recommendation. This bill provides that any person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillator is immune from civil liability for providing this training for use if the: (a) person or entity has provided the training in accordance with the guidelines and policies of a national training organization; (b) person providing the training is authorized to deliver that course or curriculum; and (c) training delivery was not grossly negligent.

The Judiciary Committee gave a favorable report to [H.4864](#), relating to **ADMINISTRATIVE LAW JUDGES PARTICIPATION IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS)**. This bill allows administrative law judges serving before July 1, 2008, to elect to participate in SCPORS or remain under regular state retirement. The bill further provides that all administrative law court judges taking office after June 30, 2008, shall participate in SCPORS.

The following bills were recommitted to their respective subcommittee:

- [H.4819](#), a bill that provides a **PROCEDURE FOR LOCAL GOVERNMENT TO COLLECT FINES ASSOCIATED WITH PARKING CITATIONS**, was recommitted to the Special Laws Subcommittee

- [H.4369](#), a bill relating to **INCREASED PENALTIES FOR SPEEDING IN A SCHOOL ZONE**, was recommitted to the Criminal Laws Subcommittee

The committee adjourned debate on the following:

- [H.4737](#), a bill which makes **REVISIONS TO THE DEPARTMENT OF MENTAL HEALTH**
 - [H.4263](#), a bill relating to **AMUSEMENT REDEMPTION MACHINES**
- LABOR, COMMERCE AND INDUSTRY**

The full House Labor, Commerce and Industry Committee met on Tuesday, April 8. The committee gave a favorable report on [H.4746](#), relating to **MANUFACTURED HOUSING** industry provisions. This bill provides that one member of the South Carolina Manufactured Housing Board must be a representative of the manufactured housing industry from a list of candidates submitted to the Governor by the Manufactured Housing Institute of South Carolina. The legislation revises provisions for the licensure and regulation of the manufactured housing industry, so as to provide a definition for a manufactured home apprentice retail salesperson and establish requirements for an apprentice salesperson license.

The committee gave a report of favorable with amendments on [H.4554](#), a bill placing **RESTRICTIONS ON LOCAL GOVERNMENT PROFESSIONAL TAXES AND FEES ON REAL ESTATE LICENSEES**. The legislation provides that, notwithstanding any other provision of law, the governing body of a county or municipality may not impose a license, occupation, or professional tax or fee upon real estate licensees, except upon the broker-in-charge at the place where the real estate licensee maintains a principal or branch office. The license, occupation, or professional tax or fee shall permit the broker-in-charge and the broker's affiliated associate brokers, salespersons, and property managers to engage in all of the brokerage activities without further licensing or taxing, other than the licenses issued by the State. No license, occupation, or professional tax or fee shall be required of the affiliated associate brokers, salespersons or property managers of a broker-in-charge for such gross receipts upon which a license, occupation, or professional tax or fee has already been paid. Brokered transactions of real property in counties or municipalities other than those in which the broker-in-charge maintains a principal or branch office create a nexus for imposition of a license, occupation, or professional tax or fee only with respect to gross receipts derived from transactions of property located in that county or municipality. The legislation revises provisions establishing municipal authority by providing that if the person or business taxed pays a license tax to a county or to another municipality, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.4980 CHARTER SCHOOLS Rep. Herbkersman

Relating to the approval, renewal, revocation, and termination of charters for charter schools, this bill increases the charter period from five to ten years.

H.4983 CONSTITUTIONAL AMENDMENT ON PUBLIC SCHOOLS Rep.

Sellers

This joint resolution proposes to amend the State Constitution so as to provide that the General Assembly shall provide for the maintenance and support of a system of free public schools and shall establish, organize, and support public institutions of learning that will provide a high quality education, allowing each student to reach his highest potential. If approved, this joint resolution would be submitted to the voters at the next general election.

H.4999 CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOLS Rep. Umphlett

This bill provides that new construction of elementary, middle, and high school facilities must comply with specified design and architectural requirements imposed by a committee of the State Department of Education. This committee shall create three standard architectural plans for elementary schools, middle schools, and high schools to which all new construction must comply unless prior approval for adaptation is received by the State Department of Education.

JUDICIARY

S.472 IGNITION INTERLOCK DEVICES Sen. Lourie

This bill provides that certain repeat offenders violating driving under the influence provisions in South Carolina or in another state to pay for and have installed on any vehicle the person operates an ignition interlock device designed to prevent the operation of the motor vehicle if the person has consumed alcoholic beverages. If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person may only obtain a South Carolina driver's license if the person enrolls in the South Carolina ignition interlock device program. The legislation outlines various procedures and penalties associated with the ignition interlock devices. The Department of Probation, Parole and Pardon Services has responsibility for overseeing these provisions.

S.1085 JURISDICTION OF LEGISLATIVE ETHICS COMMITTEES

Sen. McConnell

This bill place legislative staff under the jurisdiction of the legislative ethics committees.

S.1094 POLITICAL ACTION COMMITTEES Sen. Sheheen

This bill provides that a political action committee organized by or on behalf of the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a director or deputy director of a state department appointed by the Governor is prohibited. Any political action committee prohibited by this section in existence on the effective date of this act must distribute all unexpended contributions. A political action committee does not include a candidate committee. The bill further deletes references to a committee organized directly or indirectly established, financed, maintained, or controlled by a candidate or public official.

H.4962 KNIVES Rep. Cooper

Relating to definition of "weapon" and the handling of weapons used in the commission of a crime, this bill removes "knife with a blade over two inches long" from the definition. Relating to carrying concealed weapons, this bill provides for the exclusion of knives within the purview of the offense unless they are used with the intent to commit a crime.

H.4976 BLUE LAWS EXEMPTIONS Rep. Spires

This bill provides that a business located in a county which has been declared a disaster area by the Governor is exempt from the provisions of Section 53-1-40 (blue laws) for a period of 30 days following the declaration.

H.4978 SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY Rep. Harrell

This bill provides that the criminal justice academy may approve facilities and training for certain persons involved in the law enforcement and criminal justice systems. The bill allows the academy's training to be provided at regional training facilities that use curriculum and instructors approved and certified by the academy. This training must be administered by a regional director selected by member law enforcement agencies from that region.

H.4979 DISSEMINATION OF A PERSON'S SOCIAL SECURITY NUMBER

Rep. Kirsh

Under this bill, a state agency or private entity that has in its possession a person's social security may not disseminate more than the last four digits of a social security number when used to identify the person whose information is being disseminated. This bill includes criminal penalties for violations.

H.4984 REVISIONS TO THE YOUTHFUL OFFENDER ACT Rep. Hagood

The bill revises the definition of youthful offender to include persons who commit a broader range of criminal offenses. This bill also provides that a person under the age of 21 sentenced pursuant to the, Youthful Offender Act, convicted of armed robbery shall receive and serve a minimum sentence of at least three years, no part of which may be suspended. The person is not eligible for parole or probation until he has served a three-year minimum sentence. A person between the ages of 21 and 25 who is

convicted of armed robbery may not be sentenced pursuant to the Youthful Offender Act.

H.4991 SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM Rep. Kirsh

This bill authorizes the South Carolina Guardian ad Litem Program to intervene in an abuse or neglect proceeding in order to petition the court to relieve a guardian ad litem from appointment when, in the program's opinion, the guardian ad litem is not complying with the law or is acting contrary to the best interests of the child. This bill also provides that reports and information maintained by a guardian ad litem are confidential.

H.5000 NATIONAL PARK SERVICE PARK RANGERS Rep. Moss

This bill provides that national park service park rangers are federal law enforcement officers who are authorized to enforce South Carolina's criminal laws.

H.5001 DOMESTIC VIOLENCE Rep. Owens

This bill creates the offense of trespass upon the grounds or structure of a domestic violence shelter, and criminal penalties are provided for violations. Relating to a warrantless arrest or search when a person is believed to have committed a criminal domestic violence offense, this bill clarifies that a warrantless arrest or search may be undertaken by law enforcement when there is probable cause to believe a violation has occurred.

H.5002 STATE EXECUTIVE BRANCH JOB VACANCIES Rep. White

Relating to the reporting of state executive branch job vacancies for the purpose of posting vacant positions before the vacancy is filled, this bill revises and simplifies the requirements for these notices.

H.5004 PROHIBITION ON THE USE OF PUBLIC FUNDS TO HIRE LOBBYISTS

Rep. Sandifer

Under this bill, it is unlawful for a state agency, instrumentality, or department to expend public funds in order to employ or contract with a lobbyist. The provisions of this section do not include: (1) appearances by the administrative head of a state agency, instrumentality, or department before a public body by specific request; (2) authorized employees of the General Assembly, Office of the Governor, the Supreme Court, the State Budget and Control Board, the Commission on Higher Education, or the Department of Revenue, whose duties are to assess the impact of proposals which affect the administration of state government. Nothing in this legislation prohibits the expenditure of funds to employ a person, or provide a resource to enable a public official to make a more informed decision, if that person or resource in no way acts to influence the public official.

H.5010 DANGEROUS ANIMALS Rep. Duncan

Relating to the definition of terms used in the regulation of dangerous animals, this bill provides that dangerous animals include certain breeds and species, including pit bulls. The bill authorizes but does not require, county governing bodies to designate other breeds or species as dangerous animals. The bill deletes the current provision which states that an animal is not a dangerous animal solely by virtue of its breed or species.

H.5011 BIRTH CERTIFICATES FOR ADOPTED CHILDREN OR ADULTS

Rep. Crawford

Relating to birth certificates for adopted children or adults including foreign adoptions, this bill deletes the provision requiring a statement on a certificate of foreign birth that the certificate is not evidence of United States citizenship.

LABOR, COMMERCE AND INDUSTRY

H.5009 ARSONISTS BARRED FROM FIREFIGHTING DUTIES

Rep. G. M. Smith

This bill revises provisions relating to a criminal records check for a firefighter, so as to provide that no person may volunteer as a firefighter, be employed as a firefighter, or perform firefighting duties if he has been convicted of, pled guilty to, or pled no contest to arson.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4981 SOUTH CAROLINA RADIATION QUALITY STANDARDS

Rep. Breeland

This bill adds provisions for the qualifications, certification and scope of the practice of radiologist assistants. This bill also adds two radiologist assistants to the Board of South Carolina Radiation Quality Standards Association.

H.4998 HUMAN IMMUNODEFICIENCY VIRUS (HIV) DATA COLLECTION

Rep. Mitchell

This joint resolution outlines that a rapid oral or blood sample must be obtained from a person who is arrested and detained in a jail or detention facility in Spartanburg, Sumter, and Bamberg Counties. This sample testing must be obtained by a medical or qualified professional health care official to determine whether the person is infected with the Human Immunodeficiency Virus (HIV). The information is then forwarded to the South Carolina Department of Health and Health and Environmental Control for testing. This sample testing must be done for twelve months at which time DHEC shall compile a report that contains specific data for that time period. Copies of the report shall be forwarded to the House Medical, Military, Public and Municipal Affairs Committee, the Senate Medical Affairs Committee and the Governor.

H.5012 CRIMINAL RECORDS CHECKS FOR LICENSED NURSES Rep. Chalk

The State Board of Nursing may require a state and national criminal records check, supported by fingerprints. The South Carolina Law Enforcement Division is authorized to retain fingerprints for certification purposes and for notification of the department regarding criminal charges. The applicant is responsible for the cost of the criminal history background check. In addition, a licensed nurse shall wear a clearly legible identification badge bearing the nurse's official title and first or last name or both.

WAYS AND MEANS

H.4977 LIMITATIONS ON LOCAL GOVERNMENT TAXES AND FEES IMPOSED UPON RESIDENTIAL BUILDERS Rep. Bales

This bill provides that the governing body of a county or municipality may not impose a license, occupation, or professional tax or fee upon a licensed residential builder, except upon the builder at the place where the licensee maintains a principal office. The legislation provides that a municipality may impose a license, occupation, or professional tax or fee upon a licensed residential builder based upon gross receipts only for residential building transactions with respect to property located within its corporate limits. The legislation provides that a county governing authority may impose a license, occupation, or professional tax or fee upon a licensed residential builder based upon gross receipts only for residential building transactions with respect to property located within the unincorporated areas of the county.

**H.4992 ANNUAL TWO PERCENT COST-OF-LIVING INCREASES
GUARANTEED FOR CERTAIN STATE RETIREMENT SYSTEMS
Rep. Cooper**

The legislation revises provisions relating to the award of annual cost-of-living increases in benefits paid by the South Carolina Retirement System to reflect increases in the Consumer Price Index, so as to increase from one percent to two percent the guaranteed annual adjustment and to revise the criteria, including increased employer contributions, which must be met before further increases may be awarded subject to the current overall four percent limit on annual cost-of-living increases. The legislation revises provisions relating to the award of an annual cost-of-living increase in benefits paid by the South Carolina Police Officers Retirement System to reflect increases in the Consumer Price Index, so as to provide a guaranteed two percent annual adjustment and to revise the criteria, including increased employer contributions, which must be met before further increases may be awarded subject to the current overall four percent limit on annual cost-of-living increases.

**H.4997 "TRUTH IN BIDDING" POLICY FOR STATE CONTRACTS UNDER
THE CONSOLIDATED PROCUREMENT CODE Rep. Mitchell**

This bill provides for a "Truth in Bidding" policy in connection with source selection pursuant to State contracts subject to the Consolidated Procurement Code.

**H.5013 BOARD OF DIRECTORS OF THE STATE TRANSPORTATION
INFRASTRUCTURE BANK Rep. Young**

This bill revises provisions relating to the board of directors of the State Transportation Infrastructure Bank, so as to provide that the Secretary of Transportation rather than the Chairman of the Department of Transportation Commission shall be an ex officio member of the board. The legislation provides that the chairman of the board shall be elected by the members of the board.

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